

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

GENERAL NUTRITION INVESTMENT
COMPANY and GNC HOLDINGS, INC.,

Plaintiffs,

v.

BAY AREA TRADING, INC.,

Defendant.

Civil Action No. 19-1492
Magistrate Judge Maureen P. Kelly

ORDER

Given that motions pursuant to Federal Rule of Civil Procedure 12(b) are discouraged if the pleading defect is curable by amendment, IT HEREBY IS ORDERED that the parties must meet and confer prior to the filing of any motion to dismiss to determine whether it can be avoided. The duty to meet and confer extends to parties appearing *pro se*. Consistent with the foregoing, **motions to dismiss must be accompanied by a certificate of the movant**, stating that the moving party has made a good faith effort to confer with the nonmovant(s) to determine whether the identified pleading deficiencies properly may be cured by amendment. **Motions to dismiss that do not contain the required certification will be summarily denied.**

IT IS FURTHER ORDERED that: (1) as soon as is practicable, Plaintiff(s) shall promptly serve a copy of this Order upon Defendant(s); (2) all counsel and unrepresented parties must read, know and understand the Local Rules of this Court (*see* web page at: <http://www.pawd.uscourts.gov/sites/pawd/files/lrmanual20181101.pdf>); and (3) all counsel and unrepresented parties must familiarize themselves with the undersigned's Practices and Procedures

(see web page at http://www.pawd.uscourts.gov/sites/pawd/files/kelly_pp.pdf), and they will be held responsible for complying with the same.

SO ORDERED this 19th day of November, 2019.

BY THE COURT:

/s/ Maureen P. Kelly
MAUREEN P. KELLY
UNITED STATES MAGISTRATE JUDGE